



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, JULY 16, 2019 at 7:00 PM
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

MINUTES

In Attendance:

Council: Mayor Ron McLaughlin
Councillor Neville Abbott
Councillor Fred Bain
Councillor Norm Barmeier
Councillor Jaime Cunliffe

Staff: Chief Administrative Officer Peter DeJong
Chief Financial Officer Pamela Rooke
Public Works Manager Nai Jaffer
Office Coordinator Shawna Gilroy (Recorder)

Delegations: 4

Public: 16

1. Call to Order

Mayor McLaughlin called the meeting to order at 7:01 p.m.

2. Adoption of Agenda

Moved/Seconded

THAT additional documents under item 8Aiv be added;

THAT additional documents under item 8Av be added; and

THAT additional documents under item 8Avi be added; and

THAT additional documents under item 9B be added; and

THAT Correspondence item 11A (R6) – Farrah Azordegan – Filming be added; and

THAT item 12A – Application for Parking of Extraordinary Vehicle: Mark Ignas be added;

and

THAT the agenda be adopted, as amended.

CARRIED

3. Public Participation (2 minutes per person totalling 10 minutes maximum)

A. Susan Loutet

Ms. Loutet from 406 Crosscreek Road made a comment about the amplified music at the café, which she does not mind now and again, however not every weekend. She advised Council that she would have liked to have been canvassed for her input; she did not believe anyone in the complex was. She also noted that she can hear the music from inside her unit with the windows closed.

4. Public Delegation Requests Accepted by Agenda Deadline (10 minutes maximum)

A. Creative BC Filming Presentation

Katharine Pavoni and Jaime Stangland from Creative BC provided a presentation on what Creative BC does and considerations with respect to filming in Lions Bay. They explained they are a provincially funded organization that promotes creative sectors in BC, and other than motion picture, which is the biggest, they also support book and magazine publishing and music. They provide services and expertise in general to the motion picture industry but also support communities. They explained that the provincial film commission has several services they provide to both the industry and the general public and are a resource for communities; however, many don't know they exist or know to come to them when dealing with things such as collaboration and relationships, policy and education, industry assistance or general inquires.

The economic impact to BC has been significant with 60,000+ jobs and BC is the 3rd largest motion picture hub in North America. They outlined the several community benefits such as revenue, production spending at local businesses, contributions to local charities or community groups and film tourism. They also outlined the challenges such as neighbourhood impacts, high levels of production, rising costs and expectations, and industry stewardship. They suggested that in order to have a successful partnership with film productions, it's important to have streamlined and transparent timelines, provision of control of their work areas, tax incentive programs and fair and reasonable fees. They also discussed the importance of notifying the community of impacts to parking and access, filming at night or special effects, and that these items be communicated throughout the process if any changes take place, and that residents are fairly compensated if they are directly impacted, such as booking a hotel for them or sending them out for dinner. The Filming Code of Conduct, located on their website, is also promoted to all industry members. They also advised Council that the production industry in BC is supporting a "real green" initiative to prevent environmental impacts.

B. Craig Doherty – General Store and Café: Exception to Noise Bylaw

Mr. Doherty reminded Council that on June 18 they granted a resolution to allow live amplified music at the General Store and Café on weekends through to the end of summer from noon until 8 pm. He understood that at the last meeting, a delegation was presented against that and that the item would be reconsidered tonight. Mr. Doherty advised Council that there were 3 occasions this summer so far where the musicians ended by 6 pm, and letters of support were sent around and have been presented to Council.

Mr. Cogland, a local musician, spoke about amplification and the necessity for it. He explained that when people hear the word amplification, they think that it will be loud, but in fact that is not necessarily correct. He continued to explain that the concept of compression is a point of audio engineering, and that if you can control the sound, folks listening to you can hear the small tiny whispers as well as the louder notes and can control the overall noise level to a very high degree such that people directly in front of the speakers can carry on a conversation without raising their voices or having to lean in to hear the other person. Mr. Cogland noted that a lot can be said for amplification, such as the quality of the music, what the singer can do in terms of tricks or effects, and that without the use of amplification, you cannot give the people a “professional” show.

Mr. Doherty explained that he understands he will never make everyone happy and that there has to be some compromise, so to that, he advised they will not hold a concert on Friday’s or Sunday’s, and will keep it to Saturday afternoons between noon and 6 pm (but also noted that weather dependent, it would be nice to hold it on another day of the weekend if it rains on a Saturday). The aim is to avoid such performances being a nuisance and to keep them respectful and professional.

C. Carole Conlin – Dog Agility Park

Ms. Conlin formally proposed a fun agility dog park at the off-leash dog park, Marjorie Meadows or any other suitable dog park as identified by Council. She explained that some suggested Loggers Lane next to the school, but she felt that encouraging dogs near a non-dog area could cause issues and noted it’s quite steep there. Ms. Conlin explained that “fun agility” consists of a range of activities with basic equipment that allows dogs to practice skills learned in obedience classes and teaches them confidence. They are hoping to use repurposed items to set up the agility park, the budget would be modest, and they would try to raise money to assist. Council was supportive of the concept and looks forward to seeing it further developed.

D. Arash Iranshahi – Development of a View Bylaw

Mr. Iranshahi presented on the idea of a View Bylaw in Lions Bay. He explained that he started communicating with the previous Mayor with regards to such a bylaw and suggested that similar municipalities have similar bylaws. He advised that other residents are facing the same issue as he is in terms of overgrown trees blocking views, so he ran an online petition to get a feel for how much support he would have. Of the 50 people it was sent to, he received 28 positive responses along with many comments, and it was later noted that there was 1 negative response and the rest did not respond. He also suggested there would be no financial impact on the Village; however, it may require a View Restoration Committee potentially run by Lions Bay residents. He pointed out that the people who are affected by this issue also enjoy the green landscape of Lions Bay and are by no means against trees, but rather windowing and topping trees in order to restore how they used to be. Another issue Mr. Iranshahi discussed, based on discussions with the previous Mayor, is the lack of resources for the

development for such a bylaw; therefore, he had a discussion with other residents in regards to this and can allocate some of their hours and perhaps come up with the first draft of the bylaw and can submit it to Council to do as they wish. Respectfully, he asked Council to proceed with this bylaw to provide unity throughout the Village.

Audio: 00:55

5. Review & Approval of Minutes of Prior Meetings

A. Regular Council Meeting – July 2, 2019

Moved/Seconded

THAT the Regular Council Meeting Minutes of July 2, 2019 be approved as circulated.

CARRIED

6. Business Arising from the Minutes

None

7. Unfinished Business

A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Action
83	April 2, 2019	Item 8Aiii: CAO DeJong to investigate option of falling outside the UCB to avoid future bylaws intended for larger municipalities	[in progress]
95	March 19, 2019	EV Charging Station – staff to find a location in the Village for the station	[in progress]
96	June 18, 2019	Correspondence R1: Karl Buhr – New Parking Measures – Mayor McLaughlin to respond	[complete]
97	July 2, 2019	Mayor McLaughlin to sign letter of support re: Biosphere Initiative Program	[in progress]
98	July 2, 2019	R1: Anne Crosthwait – Newcomers Event – Councillor Cunliffe to remind Council of this event closer to the date (September 26)	[in progress]
99	July 2, 2019	R5: Paula Vendargon – Visibility concerns at Brunswick. PWM Jaffer to respond	[complete]

Audio: 01:07

8. Reports

A. Staff

i. Preliminary Mid Year Review

CFO Rooke advised Council how the preliminary budget compares to the 2019-2023 Five Year Financial Plan Bylaw, with the purpose being to review the status of capital projects and operational revenue and expenses to see how we are tracking against the budget. Ms. Rooke noted there were a fair number of June invoices not in this review and that we are tracking at about 45% of our expenses, and are on budget, but there are a few areas of concern, such as the overage on the Lions Bay Beach Park parking lot. Council discussed the mid year review and presented their questions to the CFO.

Moved/Seconded

THAT the report “2019 Preliminary Mid-Year Review” be received for information purposes.

CARRIED

Audio: 01:25

ii. PWM: Request for Decision – Kelvin Grove WWTP Engineering Services

PWM Jaffer advised Council that the RFP for engineering on the Wastewater Treatment Plant had gone out as attached to the package. The scope of work, as directed by Council, involves persuasion of the Ministry of the Environment to allow for replacement of the Waste Water Treatment Plant with a like for like Rotating Batch Contact treatment methodology. The recommended proponent had the best price for the scope of work required.

This item was tabled until after the closed portion of the meeting to review details of the bid(s) and briefly discussed upon returning to open meeting. The motion recommended in the staff report was amended slightly.

Moved/Seconded

THAT Council approve the award of RFP 19.01 Kelvin Grove RBC WWTP Engineering Services to EHD Consulting Ltd. in the amount of up to \$20,805.56 plus tax; and

THAT the CAO be authorized to execute contract documents in accordance with the scope of work required up to the amount of up to \$20,805.56, not including GST.

CARRIED

iii. CAO: LB Alert Update (Verbal)

CAO DeJong noted there are a total of 365 residents who have signed up for Lions Bay Alert, some of which are incomplete that need following up with, and that the new Deputy Emergency Program Coordinator is working on getting up to speed and will update, educate and communicate with all of us and the community going forward. He advised that a test of the system in the fall with the BC ShakeOut notice is the next goal.

iv. CAO: Information Report – Transit Survey Results

CAO DeJong advised there were quite a few more Transit Survey responses over the weekend, although they did not really change the overall perspective as outlined in the report. The 170 responses will be forwarded to Translink for follow up on some of the comments before the end of the year.

Moved/Seconded

THAT the Information Report, “Transit Survey Results” be received.

CARRIED

Audio: 01:38

v. CAO: Direction Request – Filming in Lions Bay

CAO DeJong updated Council on the many additional responses over the weekend, noting they have not yet been vetted, but are up to a total of 170. He explained the history of the current policy adopted in 2009 giving residents who are directly impacted the power to turn down a filming application. Materials in respect of the Filming Committee formed in 2013 were also provided and their 2014 draft policy was discussed briefly. He also touched on a few observations noted in his report and asked Council give some thought to what objectives a filming policy ought to meet and how best to balance the impacts for the community going forward.

Moved/Seconded

THAT Council provide email comments to the CAO over the next couple of weeks to enable staff to work on a draft proposal for review in the fall.

CARRIED

Audio: 02:08

vi. CFO: Request for Decision – Asset Management Investment Plan (Phase II) (On-Table)

CFO Rooke advised that on June 27th an RFP for phase 2 of the Asset Management Investment Plan was published and closed on Friday, July 12th. There were 3 applications which staff reviewed according to the evaluation criteria and she recommended awarding the contract to Your City Solutions Inc. Councillor Abbott requested that in future, RFPs be split in a way so that they can be fully discussed in open meeting, aside from the confidential proprietary information as confirmed in each proposal.

This item was tabled and discussed further after the closed portion of the meeting.

Moved/Seconded

THAT Council approve the award of RFP 19.02 Asset Management Plan – Phase 2 to Your City Solutions Inc. in the amount of \$29,950.00 plus GST; and

THAT the CAO be authorized to execute a contract for services with Your City Solutions Inc. in substantial accordance with the draft Services Agreement attached as Schedule B to the subject RFP.

CARRIED

B. Mayor
None

C. Council
None

D. Committees

i. Board of Variance – February 26, 2019 Meeting Minutes
Moved/Seconded

THAT Council receive the February 26, 2019 Board of Variance meeting minutes for information.

CARRIED

ii. Board of Variance – April 23, 2019 Meeting Minutes
Moved/Seconded

THAT Council receive the April 23, 2019 Board of Variance meeting minutes for information.

CARRIED

E. Emergency Services
None

9. Resolutions

A. Relaxation of Bylaws – 39 Brunswick Beach Road (Verbal Update re. Tabled Item)
CAO DeJong reviewed Council's request from the last meeting and informed them the applicant has tried to contact neighbours for support, however did not have much success other than from her immediate neighbours. She indicated the event is to be capped at 70 participants and is prepared to coordinate parking with the restrictions in place, meaning neighbours will assist with parking and others will use guest passes where necessary. She also confirmed that the event is at the applicant's home and not on the beach. CAO DeJong also advised the applicant that the bus an option for transportation now that it runs until 11 pm.

Moved/Seconded

THAT Council relax the Noise Bylaw to allow live music from 5 pm until 8:30 pm at 39 Brunswick Beach Road on August 5th, 2019.

CARRIED

B. Relaxation of Noise Bylaw – General Store & Café

Council discussed Mr. Doherty's latest suggestion to change the concert schedule to Saturday's only and ending by 6 pm in order to compromise with those who were not supportive. It was noted that some Saturday's may be raining and that he would still like the opportunity to be able to host one a different day of the weekend if that is the case. Mayor McLaughlin moved the original resolution for reconsideration, which was seconded.

Moved/Seconded:

THAT Council relax the noise bylaw to allow for live amplified music on the patio at the General Store & Cafe on Fridays, Saturdays, Sundays and holiday Mondays through to the end of summer, between the hours of noon and 8 pm, weather permitting, at the discretion of the Store/Cafe owner.

Moved/Seconded:

THAT the motion be amended to substitute "once per weekend" for "on Fridays, Saturdays, Sundays and holiday Mondays", and substitute "6 pm" for "8 pm", so that it reads as follows:

THAT Council relax the noise bylaw to allow for live amplified music on the patio at the General Store & Cafe once per weekend through to the end of summer, between the hours of noon and 6 pm, weather permitting, at the discretion of the Store/Cafe owner.

CARRIED
CLLR. BAIN OPPOSED

C. Acting CAO/CO Resolution

Moved/Seconded

THAT the Public Works Manager, Naizam Jaffer, be appointed Acting CAO and Acting Corporate Officer for the period August 28 to 30, 2019, in the absence of CAO DeJong and CFO Rooke.

CARRIED

10. Bylaws
None

Audio: 02:32

11. Correspondence

A. List of Correspondence to July 11, 2019

Moved/Seconded

THAT the following actions be taken with respect to the correspondence:

- G1: UBCM Resolution – Conflict of Interest Complaint Mechanism – no response
- G2: UBCM Resolution – Lobbyist Registration – no response
- G3: UBCM Resolution – Statement of Disclosure Updates – no response
- G4: UBCM Resolution – Recovering Costs Local Climate Change Impacts – no response
- G5: Rural Dividend Program – Councillor Abbott to provide CAO DeJong with a suggested response.
- G6: Fire Smart Do's and Don't's – no response
- G7: Provincial Support for Libraries – no response
- G8: Support for Property Assessment Clean Energy – no response
- G9: UBCM Resolution – Crime and Needle Clean-up – no response
- G10: Best Management Practices for Invasive Species – no response
- G11: 2019 Asset Management Plan Approval Funding – no response
- G12: 2019 UBCM Convention – no response
- G13: UBCM Resolution – Jurisdiction Over Single Use Plastics Regulation – no response
- R1: Nattalia Hadden – Kelvin Grove Beach – PWM Jaffer to respond that funding Kelvin Grove log removals will be discussed during the 2020 budget process
- R2: Hilary Anderle – Photo Radar for Lions Bay – no response
- R3: Karl Buhr – New Parking Measures – Mayor's Response – no further response
- R4: Karl Buhr – Harvey Tank Project Questions (with clarifications from staff) – no further response
- R5: Ian Mackie – Code of Conduct – CAO DeJong to respond

Moved/Seconded

THAT the Board of Variance be exempt from the requirement of signing the Code of Conduct.

CARRIED

- R6: Farrah Azordegan – Filming – Mayor McLaughlin to respond

CARRIED

Audio: 03:09

12. New Business

A. Application for Parking Extraordinary Vehicle – Mark Ignas

CAO DeJong explained that a resident with a utility/cargo trailer who resides on Timbertop Drive has nowhere to park his trailer as their driveway is steep and roadways along Timbertop are narrow and therefore has applied for a permit to park his trailer in a spot along Mountain Drive off the road where it is currently. The applicant advised that the trailer is expected to be there for a couple of months. Council stressed that this application is only for two months (60 days) at \$80 per month and must be re-evaluated at that time if they do not have storage for the trailer by then.

Moved/Seconded

THAT Council approve the request for an Extraordinary Vehicle in the area designated by staff for a period of 60 days from date of notice.

CARRIED
CLLR. ABBOTT OPPOSED

Moved/Seconded

THAT the meeting be extended until 11:30 pm.

CARRIED

13. Public Questions & Comments (2 minutes on any topic discussed in this meeting)

None

14. Closed Council Meeting

Proposed topics for discussion in the absence of the public:

- A. Kelvin Grove WWTP Engineering Services Contract Details
- B. CAO Employment Review

Moved/Seconded

THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the *Community Charter*:

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- c) labour relations or other employee relations; and
- j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;
- n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

CARRIED

The meeting was closed to the public at 10:23 p.m.

The meeting was re-opened to the public at 10:44 p.m. to complete the tabled items at 8Aii and 8Avi.

The meeting was closed a second time to the public at 10:47 p.m. to discuss the CAO Employment Review.

The meeting was re-opened to the public a second time at 11:15 p.m.

15. Reporting Out From Closed Portion of Meeting

Matters were discussed pertaining to the reasons for closing the meeting.

16. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 11:15 p.m.

Mayor

Corporate Officer

Date Approved by Council:	September 17, 2019
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